



# Application for Change/Transfer of Water Right

12 APR -9 A9:00

For filing with the Department of Ecology or with County Conservancy Boards

DEPT. OF ECOLOGY  
FISCAL & BUDGET

A NON-REFUNDABLE MINIMUM FEE OF \$50.00 MUST ACCOMPANY THIS APPLICATION  
IF FILED WITH THE DEPARTMENT OF ECOLOGY

(Check all that apply.)

- ☐ Change purpose(s) of use  
☐ Add purpose(s) of use  
☐ Change point(s) of diversion/withdrawal  
☐ Add point(s) of diversion/withdrawal  
☒ Change/transfer place of use  
☐ Other (i.e. consolidation, intertie, trust water)

Explain: To permanently change POU of the subject water right, as well as Applicant's other Manastash Creek water rights, under separate applications filed herewith.

**\*\*IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS (PLEASE PRINT OR TYPE CLEARLY)\*\***

☒ I have participated in a pre-application conference with Ecology. Applicant has consulted informally with Ecology Central Region Water Resources staff concerning the instant Application and has worked extensively with staff concerning prior judicial and administrative applications concerning all nine of Applicant's Manastash Creek water rights in connection with the ongoing Manastash Creek Restoration Project.

## 1. Applicant Information

APPLICANT/BUSINESS NAME Harrell & Sons Farms, LLC	PHONE NO. 509.248.6030	FAX NO. 509.453.6680
ADDRESS c/o Lawrence E. Martin, Esq. and Paul C. Dempsey, Esq. Velikanje Halverson P.C. P.O. Box 22550		
CITY Yakima	STATE WA	ZIP CODE 98907
EMAIL ADDRESS (IF AVAILABLE) lmartin@vhlegal.com pdempsey@vhlegal.com		

LEGAL LAND OWNER or PART OWNER OF PROPOSED PLACE OF USE Harrell & Sons Farms, LLC	PHONE NO.	FAX NO.
ADDRESS 3121 Hanson Road		
CITY Ellensburg	STATE WA	ZIP CODE 98926
EMAIL ADDRESS (IF AVAILABLE)		

## 2. Water Right Information

WATER RIGHT OR CLAIM NUMBER Court Claim No. 00477 (June 30, 1877)	RECORDED NAME(S) Harrell & Sons Farms, LLC
DO YOU OWN THE RIGHT TO BE CHANGED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF NO, PROVIDE OWNER(S) NAME and ADDRESS: _____	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Ref: Report of Examination, Department of Ecology Change Authorization CS4-00477CTCL@5.	

Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established. Also, if you have a water system plan or conservation plan, please include a copy with your application.

## 3. Point(s) of Diversion/Withdrawal:

54-83514-J g CS4-004773611g

FOR OFFICIAL USE ONLY	
DATE APPLICATION RECEIVED	04-09-2012
CHECK NO. 78158	FEE \$ 932.50
DATE ACCEPTED	04-20-2012 BY
CHANGE NO.	CS4-004773611g
COUNTY	KIT
WRIA	39
SPECIAL AREA	
SEPA: <input type="checkbox"/> EXEMPT <input type="checkbox"/> NOT EXEMPT	
ECY CODING: 001-002-WR10285-000011	
APP NO.	PERMIT NO.
CERT NO.	CERT OF CHG NO.



A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Manastash Creek (MWDA)		NW	NE	14	17 N.	17 E.	17-17-14010-0011	N/A

B. Proposed

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Same								

DO YOU OWN THE EXISTING AND PROPOSED POINT(S) OF DIVERSION/WITHDRAWAL?

EXISTING: ☐ YES ☒ NO PROPOSED: ☐ YES ☒ NO – IF NO, PROVIDE OWNER(S) NAME: Scot M. Reeves, et ux. / Manastash Water Ditch Association

Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 6 (remarks) or as an attachment.

4. Purpose of Use:

A. Existing

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Irrigation of 125 acres	2.91 cfs April 1 - June 30; 1.45 cfs March 1 - March 31 and July 1 - October 31	962	March 1 through October 31

B. Proposed

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Same			

5. Place of Use:

A. Existing

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
Gov't Lots 3 and 4, the NW ¼ SE ¼ and that portion of the SE ¼ SW ¼ north of Hanson Road, all in Section 5, T. 17 N., R. 18 E.W.M.							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
	multiple	5	17 N.	18 E.	Kittitas	17-18-05020-0001; 17-18-05040-0004; 17-18-05010-0001	125
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO							
IF NO, PROVIDE OWNER(S) NAME:							

B. Proposed

LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:							
Within Township 17 N., Range 18 E., WM:							
Within Section 5: Gov Lots 3 & 4, and the NE ¼, and the S ½ of the NW ¼, and the N ½ and SW ¼ of the SW ¼ plus that portion of the SE ¼ of the SW ¼ north of Hanson Rd, and the NW ¼ of the SE ¼ and the N ½ of the NE ¼ of the SE ¼ plus that portion of the SW ¼ of the SE ¼ north of Hanson Rd.; and							
The SE ¼ of Section 6; and							
The NE ¼ NE ¼ NE ¼ of Section 7; and							
Within Township 18 N., Range 18 E., WM:							
The S ½ SE ¼ of Section 32.							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
	multiple	5	17 N.	18 E.	Kittitas	17-18-05010-0001	698.3
NE	SE	6	17 N.	18 E.	Kittitas	17-18-05020-0001	
NE	NE	7	17 N.	18 E.	Kittitas	17-18-05040-0004	
S ½	SE	32	18 N.	18 E.	Kittitas	17-18-06010-0001	
						17-18-07010-0001	
						18-18-32040-0007	
						18-18-32040-0010	
DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO							
IF NO, PROVIDE OWNER(S) NAME:							

Attach a detailed map of your proposed change/transfer. The map should show existing and proposed point(s) of diversion/withdrawal, place of use and any other features involved with this application. If platted property, please include a certified copy of the plat map.

47705



Are there any ADDITIONAL WATER rights OR CLAIMS RELATED to the same property as the ONE PROPOSED FOR CHANGE/TRANSFER?

☒ YES ☐ NO – IF YES, PROVIDE THE WATER RIGHT/CLAIM NUMBER(S): Claim No. 00477 (multiple overlapping rights), plus supplemental KRD rights. See *Report of Examination*, Department of Ecology Change Authorization CS4-00477@5 (“Other Rights Appurtenant to Place of Use,” p. 8.

## 6. Remarks and Other Relevant Information:

1. Applicant’s POD is the consolidated MDWA diversion on Manastash Creek: 500’ south and 150’ east of the north quarter corner of Section 14, being within the NW ¼ NE ¼ S. 14, T. 17 N., R. 17 E.W.M.

2. This Application is being submitted with eight (8) other companion applications to address Applicant’s Manastash Creek irrigation rights under Court Claim Nos. 00657 and 00457, all of which have separately defined, but generally contiguous – and in some cases, partially overlapping – places of use on lands lying north of the Creek and south and east of the mainstem Yakima River. Together, these applications seek permanent recognition and approval of a single, common place of use for all of these rights, consistent with the *Acquavella* Court’s February 9, 2012, Order *Pendente Lite* Re: Temporary Change in Places of Use, a copy of which is attached hereto. The proposed place of use described in Section 5.B. is identical to the exterior boundaries of the (pre-Order) aggregated places of use for all nine water rights. Applicant does not seek to transfer water to any lands that have not already been designated as places of use under at least one of the subject water rights.

IF FOR SEASONAL OR TEMPORARY, START DATE \_\_\_\_/\_\_\_\_/\_\_\_\_ END DATE \_\_\_\_/\_\_\_\_/\_\_\_\_

Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request. For further information, contact: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477. Phone (360) 570-3265.

## 7. Signatures:

*I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I hereby grant staff from the Department of Ecology or the County Conservancy Board access to the above site(s) for inspection and monitoring purposes. If assisted in preparing this above application, I understand that all responsibility for the accuracy of the information rests with me.*

**Harrell & Sons Farms, LLC, Applicant**

Clarence E. Harrell  
By Clarence E. Harrell, Manager

3/30/2012  
(Date)

**Harrell & Sons Farms, LLC, Water Right Holder**

Clarence E. Harrell  
By Clarence E. Harrell, Manager

3/30/2012  
(Date)

**Harrell & Sons Farms, LLC, Land Owner – Existing POU**

Clarence E. Harrell  
By Clarence E. Harrell, Manager

3/30/2012  
(Date)

**Harrell & Sons Farms, LLC, Land Owner – Proposed POU**

Clarence E. Harrell  
By Clarence E. Harrell, Manager

3/30/2012  
(Date)

<b>*Submit your application to:</b>  DEPARTMENT OF ECOLOGY CASHIERING SECTION PO BOX 47611 OLYMPIA, WA 98504-7611	<input checked="" type="checkbox"/> Central Regional Office 15 W Yakima Avenue, Suite 200 Yakima, WA 98902 (509) 575-2490	<input type="checkbox"/> Eastern Regional Office 4601 N. Monroe Street Spokane, WA 99205-1295 (509) 329-3400
	<input type="checkbox"/> Northwest Regional Office 3190 – 160 <sup>th</sup> Avenue SE Bellevue, WA 98008-5452 (425) 649-7000	<input type="checkbox"/> Southwest Regional Office PO Box 47775 Olympia, WA 98504-7775 (360) 407-6300

## WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- ☐ APPLICATION FEE NOT ENCLOSED ☐ MAP NOT INCLUDED or INCOMPLETE  
☐ ADDITIONAL SIGNATURES REQUIRED ☐ SECTION \_\_\_\_\_ IS INCOMPLETE  
☐ OTHER/EXPLANATION: \_\_\_\_\_

STAFF: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_